



**MOORE COUNTY PLANNING BOARD
THURSDAY, OCTOBER 3, 2019 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)

Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of September 5, 2019
- C. Consideration of Abstentions

III. PUBLIC HEARINGS

- 1. **Unified Development Ordinance Text Amendments - Theresa Thompson**

IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger

V. BOARD COMMENT PERIOD - Chairman

VIII. UPCOMING EVENTS

- Wednesday, October 9, 2019 Board of Commissioners Fall Work Session to discuss Capital Projects and Economic Development to be held at the Rick Rhyne Building in Carthage
- Tuesday, October 15, 2019 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, November 7, 2019 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, November 5, 2019 9:30 AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

III. ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*
Please see attached procedures for the Public Comment Period and public comment during Public Hearing

**PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD**

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, SEPTEMBER 5, 2019 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Joe Garrison (Chair), Harry Huberth (Vice Chair), Bobby Hyman, Jeffrey Gilbert, David Lambert, Matthew Bradley, John Cook

Board Members Absent: John Matthews; Eddie Nobles

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Planning Supervisor
Dervin Spell, Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

Chair Joe Garrison called the meeting to order at 6:00 pm.

INVOCATION

Board Member Bobby Hyman offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Harry Huberth led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of May 2, 2019
- C. Consideration of Abstentions

Board Member Harry Huberth made a motion to approve the consent agenda. The motion was seconded by Board Member Jeffrey Gilbert and the motion passed unanimously (7-0).

ELECTION OF VICE CHAIR

A motion was made by Board Member David Lambert to recommend Harry Huberth for Vice-Chair. The motion was seconded by Board Member Jeffrey Gilbert and the motion passed unanimously (7-0).

PUBLIC HEARING

Public Hearing #1 – Conditional Rezoning Request: Highway Commercial (B-2) to Highway Commercial Conditional Zoning- Theresa Thompson

Planning Supervisor Theresa Thompson presented a request by Donny Buchholz requesting a Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a Boat & RV Storage Facility, located on approximately 32,554 square feet, approximate 2.78 acre parcel, located on Savannah Lane and adjacent to US Hwy 1 in Vass, owned by Buchholz Enterprises, LLC per Deed Book 4902 Page 141

Mrs. Thompson went over the items within the packet regarding the request.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

With no further discussion or Public Comment Chairman Garrison closed the public hearing.

With no further comments Board Member Harry Huberth made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; motion passed unanimously 7-0 for approval.

Board Member John Cook made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a Boat & RV Storage Facility, located on approximately 32,554 square feet, approximate 2.78 acre parcel, located on Savannah Lane and adjacent to US Hwy 1 in Vass, owned by Buchholz Enterprises, LLC. The motion was seconded by Board Member Jeffrey Gilbert; motion passed unanimously 7-0 for approval.

Public Hearing #2-General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20)-Dervin Spell

Planner Dervin Spell presented a request by Donny Buchholz requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 32,070 square feet, approximate 2.78 acre parcel, located on Savannah

Lane and adjacent to US Hwy 1 in Vass, owned by Buchholz Enterprises, LLC, per Deed Book 4902 Page 141.

Mr. Spell went over the items within the packet regarding the request pointing out the Rural Agricultural-20 (RA-20) discourages high traffic use and is intended for residential uses and the normal traffic generated by residential areas.

Board Member Harry Huberth inquired if screening requirements were the opaque fencing.

Mr. Spell confirmed Board Member Huberth comment was correct.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

With no further discussion or Public Comment Chairman Garrison closed the public hearing.

With no further comments Board Member Jeffrey Gilbert made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; motion passed unanimously 7-0 for approval.

Board Member David Lambert made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 32,070 square feet, approximate 2.78 acre parcel, located on Savannah lane and adjacent to US Hwy 1 in Vass, owned by Buchholz Enterprises, LLC. The motion was seconded by Board Member Bobby Hyman; motion passed unanimously 7-0 for approval.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger provided the Board with clarification regarding the Town of Pinebluff Extra Territorial Jurisdiction (ETJ) and the article that was published in the Pilot. Ms. Ensminger explained the Appellants Court felt the County had enough evidence to be heard in the Supreme Court and the County will be presenting brief at that level.

Ms. Ensminger informed the Board for the month of October staff will present Text Amendments for review. Ms. Ensminger explained staff did look into storm water concerns as per the Planning Board's previous request and at this time there will be no change to the County's storm water ordinance as staff has received guidance from the Department of Environmental Quality (DEQ).

Board Member Cook inquired about annexation requests.

Ms. Ensminger explained annexation is a voluntary action as no one could be annexed without consent, mentioning annexation is different than being in the ETJ and handled differently under the law.

BOARD COMMENT PERIOD

There are no board comments.

ADJOURNMENT

With no further comments Board Member Harry Huberth made a motion to adjourn the September 5, 2019 regular meeting. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Transportation Director

DATE: August 23, 2019

SUBJECT: Unified Development Ordinance Text Amendments

PRESENTER: Theresa Thompson

REQUEST

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance:

Bold Text – additions to the ordinance
~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 4 (Zoning Permits), Section 4.1 (Zoning Permit Applicability), as follows:

4.1 Zoning Permit Applicability

No land shall be used or occupied and no building, structure, or sign shall be erected, moved, enlarged, used, or structurally altered or its use changed, until a zoning permit, ~~signed by the property owner~~, is issued by the Administrator.

REASON. The applicant is not required to be the property owner. Many times, contractors apply for permits for the property owner.

2. AMEND Chapter 4 (Zoning Permits), Section 4.2 (Application), Subsection C (Site Plan Requirements), as follows:
 - C. Site Plan Requirements. Each application for a zoning permit and any other permit as indicated in this ordinance shall be accompanied by a site plan, drawn to scale, including the following information, as ~~applicable~~, **determined applicable or relevant by the Administrator.**
 1. Dimension of property (front, side, and rear property lines)
 2. Dimensions and locations of any existing or proposed buildings and signs
 3. Existing and proposed uses of building(s) and/or land
 4. Non-residential floor plans

5. Existing and proposed street right-of-ways and/or easements
6. Current and /or proposed setbacks from property lines, easements, and ROWs
7. Dimensions and locations of driveway, parking lots, and parking spaces
8. Dimensions and location of loading and unloading areas
9. Existing and proposed utilities
10. Non-residential screening plan
11. Significant natural features including floodplain, wetlands, lakes, streams, etc. **The applicant is responsible for the accuracy of significant features shown on the site plan. The Administrator may require Army Corp of Engineer approval before a zoning permit is issued.**
12. Existing and proposed impervious surface percentages
13. Location of any stormwater control devices, any stormwater control plans, and the name of the certifying engineer. **The applicant is responsible for the accuracy of the stormwater controls shown on the site plan.**
14. Phasing plans
15. Any other information which the Administrator deems necessary as required per local, state, or federal law.

REASON. The Administrator may determine that not all checklist items are relevant. If there are wetlands, stormwater controls, etc. the applicant is responsible for the accuracy.

3. AMEND Chapter 5 (Dimensional Standards), Section 5.1 (Table of Area and Setbacks), as follows:

5.1 Table of Area and Setbacks

Reference: NCGS 153A-326 and 160A-306. (Additional setback standards: fences & walls (Section 7.7), Highway Corridor Overlay District (Section 7.8), signs (Section 7.16), ~~setback encroachments such as porches~~ (Section 7.15), and Administrative Variances for non-conforming lots (Section 9.7).

REASON. Remove language to correspond with the removal of Section 7.15 to be consistent with the Fire Code.

4. AMEND Chapter 6 (Table of Uses), Section 6.1 (Use Table), as follows:

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Major Subdivision	€	€						€							18.6-18.11	Mix

OTHER USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCSL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Major Subdivision – Residential (1)	C	C						C							18.6-18.11	Mix
Major Subdivision – Non-Residential (Business Park)													C	C	18.6-18.11	Mix

REASON. Remove Major Subdivisions from “Residential Uses” and add to “Other Uses” to include non-residential major subdivisions, such as a business park.

5. REMOVE Chapter 7 (General Development Standards), Section 7.15 (Setback Encroachments), as follows:

~~7.15 Setback Encroachments~~

~~Fire escapes, awnings, stairways, steps, ramps, stoops, balconies, decks, uncovered porches, and similar items may not project more than 4 feet into any required setback. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project more than 30 inches. Refer to Section 9.7 for setback subsidizations for existing lots of record.~~

REASON. Remove language to correspond with Fire Code standards which requires that the entire building shall not project into the required distance requirements.

6. AMEND Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection D (Screening Types), as follows:

Type 2. A single row of evergreen shrubs ~~placed no more than 4 feet apart installed at a minimum height of 5 feet~~ with the intent to achieve opaqueness and a minimum height of 10 feet in 5 years. Low limbs are not to be trimmed from the planting higher than 24 inches from the ground.

Type 3. Existing **undisturbed natural** vegetation **or planted strip designed to simulate a wooded natural vegetative area. A minimum** width of 20 feet **is required**, including a minimum of 15 trees, at least half evergreen, plus 15 shrubs, at least half evergreen, per 100 linear feet of lot boundary, prorated for less than 100 foot sections. New or supplemental trees shall be **planted a minimum height of 6 feet at the time of installation** with the intent to grow to 10 feet within **2 5** years. New or supplemental shrubs shall be **planted a minimum of 5 feet at time of installation** with the intent to grow to **4 to 5** feet within 5 years. **Vegetation shall be distributed along the entire length and width of the planted buffer. A mixture of plant types are recommended to mitigate the spread of disease.**

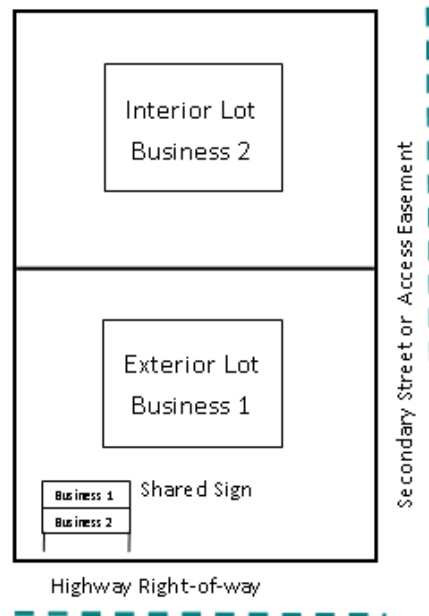
REASON. Based on feedback from developers and comparing the count’s standards to the nearby towns, the county’s current landscaping standards are too stringent. Staff has reduced the standards to be similar to the nearby towns of Pinehurst and Southern Pines. Staff has also consulted with a certified arborist and the Forest Service for assistance in drafting the language as well. Based on their opinions, requiring plants to be planted too close together causes the roots

to intermingle and disease to spread. Also, planting larger plants required more water and are not as resilient as younger seedlings.

7. AMEND Chapter 7 (General Development Standards), Section 7.16 (Signs), Subsection J (Off-Premise Signs), as follows:

J. Off-Premise Signs (excluding Billboards). Off-premise signs (excluding billboards) are permitted in the RA, B-1, B-2, RE, RA-5, RA-2, RA-40, and VB Zoning Districts subject to the following:

1. For premise / lots of 5 acres or more in size and having a street frontage greater than 400 feet, a second sign may be erected if the total display area of both signs does not exceed 32 square feet (second sign shall also not exceed 6 feet in height).
2. No more than 1 off-premise sign per property. One off-premise advertising sign displaying multiple businesses may be used as the allowed sign(s) per premise, as long as the sign does not exceed 15 feet in height, 50 square feet in total display area.
3. No more than 3 off-premise advertising signs, per business, not including billboards, shall not advertise on a premise farther than 4 miles measured in a straight line distance from the sign to the closest parcel boundary on which the business is located.
4. No residential development, business, institution, or industry with frontage on any of the following roadways: US Highway 1, US Highway 15-501, NC Highway 2, NC Highway 5, NC Highway 22, NC Highway 24/27, NC Highway 211 (with the exception of properties zoned VB), NC Highway 690, or NC Highway 705 is eligible to use this type of signage. **One adjacent interior lot may utilize a portion of the sign with the lot fronting the highway. Only one sign per street frontage is permitted.**
5. Signs must be placed on a lot of record and the applicant shall provide a notarized statement from all owners of property allowing the off-premise advertising sign to be erected on their property.
6. Verification from the North Carolina Department of Transportation that the sign will not be in violation of any State regulations at its proposed location must be submitted with the sign permit application.



REASON. Allows interior lots an option to have signage fronting a highway.

8. AMEND Chapter 8 (Special Use Standards), Section 8.4 (Accessory Dwelling Located within a Stick Built Dwelling), as follows:

8.4 Accessory Dwelling Located within a Single Family Dwelling

- A. Definition. An addition (such as a mother-in-law suite) to an existing single family dwelling, containing separate sleeping, kitchen, and bathroom facilities.
- B. Standards. No more than 1 accessory dwelling located within a principal dwelling per lot. **Two dwelling units can be connected by a passageway or breezeway but shall be considered 2 separate buildings.**

REASON. Clarifies that a passageway creates 2 separate buildings per the Building Code.

9. AMEND Chapter 8 (Special Use Standards), Section 8.12 (Home Occupation, Level 2), Subsection B (Standards) as follows:

- A. Standards. 1 home occupation shall be permitted per lot. Level 2 Home Occupations shall be limited to a maximum of 50% of the gross floor area of the principal building, the entirety of an accessory building, or a combination thereof. The operator of the home occupation must reside on the same lot as the operation. More than one individual, not a resident of the dwelling may be employed. The specific use to be operated as the home occupation must comply with the specific uses standards, signage, parking, outdoor storage, screening, and other applicable regulations. The following uses are those that have been determined to be suitable as a Level 2 Home Occupation:

1. Animal Shelters (~~Section 8.20~~)
2. Kennels, Overnight (~~Section 8.22~~)
3. Pet Day Care, Grooming, Obedience Training (~~Section 8.23~~)
4. Small Appliance Repair Shop (may include outdoor storage) (~~Section 8.30~~)
5. Trade Contractor Office and Workshop (may include outdoor storage) (~~Section 8.32~~)
6. Feed and Seed Sales (~~Section 8.35~~)
7. Florist (~~Section 8.36~~)
8. Garden Center (~~Section 8.38~~)
9. Taxi Service (~~Section 8.48~~)
10. Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, Service (~~Section 8.49~~)
11. Child Care Facility (~~Section 8.62~~)
12. Recreation, Low Impact Outdoor (~~Section 8.85~~)
13. Contractors Storage Yard and Office (~~Section 8.93~~)

REASON. Specific use standard section numbers are removed due to being subject to change. Specific use standard compliance is already mentioned in “Standards.”

10. AMEND Chapter 8 (Specific Use Standards), Section 8.68 (Government Facility), Subsection A (Definition), as follows:

Definition. A building or land use owned, operated, or occupied by a local, state, or federal governmental agency to provide a governmental service to the immediate area and needs of the county citizens. Examples include, but are not limited to, emergency service facilities, county offices, county utilities, **county solid waste convenience site**, libraries, post offices, employment offices, public assistance offices, vehicle registration and licensing services, and public recreational facilities, open space, and parks. **A convenience site is a small county maintained facility, typically a satellite location, provided for convenience to citizens, used for the collection, separation, and short-term storage of waste, recyclables, and/or hazardous materials.**

REASON. Add convenience site to specific use standards.

11. AMEND Chapter 8 (Special Use Standards), Section 8.70 (Religious Institutions), Subsection B (Accessory Uses) as follows:

- A. Accessory Uses. Includes pastor's housing, Sunday school buildings, recreational buildings utilized by congregation only, fellowship halls, food pantry, child care facility, school, coffee house, bible school, and after-school facilities. Child care facilities shall meet the **Specific Use Standards** ~~standards per Section 8.63~~ and shall submit a copy of state licenses before a Certificate of Occupancy is issued. Schools located on the same lot as the church and located in residential zoning districts shall require a Conditional Use Permit and meet the Specific Use Standards. ~~per Section 8.71.~~

REASON. Specific use standard section numbers are removed due to being subject to change.

12. AMEND Chapter 8 (Special Use Standards), Section 8.107 (Salvage Yards), Subsection A (Definition), as follows:

8.107 Salvage Yards

- A. Definition. Any area, in whole or in part, where any type of equipment, including but not limited to vehicles, appliances and related machinery are bought, sold, exchanged, stored, baled, packed, disassembled, or recycled. A "salvage yard" includes the terms vehicle wrecking yard, automobile graveyard, and junk yard as defined in NCGS 136-143. **Any property upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard."**

REASON. To be consistent with NCGS 136-143 and specifies that property with more than 5 junk vehicles are considered an automobile graveyard.

13. AMEND Chapter 11 (Conditional Rezoning), Section 11.1 (Applicability), as follows:

Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses. Parallel conditional zoning districts are restricted to those uses (**meaning either one or multiple uses**) listed in the corresponding general use zoning district. **Only those uses listed (or determined to be equivalent uses) as illustrated on the site plan as permitted uses and/or conditional uses, in the corresponding zoning district shall be permitted.** Following the approval of the petition, the subject property shall be identified on the Zoning Map by the district designation by adding "CZ" to the corresponding district, such as "RA-CZ."

REASON. Clarifies that permitted and/or conditional uses listed in the corresponding zoning district are permitted in a conditional zoning district.

14. AMEND Chapter 13 (Appeals & Variances), Section 13.1 (Administrative Appeals), Subsection B (Submittal), as follows:

B. Submittal. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the clerk to the ~~board~~ **Board of Commissioners** within 30 days of receipt of the decision or order. Any other person with standing as detailed within NCGS 153A-349 and 160A-393 to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. The date and time of filing shall be entered on the notice.

REASON. Clarifies "board" to mean "Board of Commissioners."

15. AMEND Chapter 18 (Subdivisions), Section 18.5 (Minor Subdivisions), Subsection D (Additional Document Submitted for Approval), as follows:

D. Additional Documents Submitted for Approval. Lots considered for minor subdivision status on ~~an existing or~~ a new easement must complete the Private Road Maintenance Agreement to be recorded at the same time as the minor subdivision plat. Before the plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by county and state agencies, including but not limited to those listed in Section 18.6(F).

REASON. Existing easements may or may not have road maintenance agreements already recorded.

16. AMEND Chapter 18 (Subdivisions), Section 18.6 (Major Subdivision – Preliminary Plat Submittal and Review), Subsection D (Preliminary Plat Submittal), as follows:

D. Preliminary Plat Submittal. The preliminary plat shall be submitted to the Administrator at least 30 days prior to the Subdivision Review Board meeting. Preliminary plats shall meet the specifications in this Chapter and shall (1) be submitted as either a Conservation or Conventional Subdivision, (2) meet all applicable zoning and subdivision requirements, ~~(3) comply with NCCS 47-30, including but not limited to the applicable information required in Section 18.15, and~~ (4) (3) include applicable statements required in Section 18.16.

REASON. Clarifies that the UDO does not have to comply with NCGS 47-30 at the preliminary plat step. The preliminary plat can be prepared by an engineer. The final plat requires to comply with NCGS 47-30 and be signed by a surveyor.

17. REMOVE Chapter 18 (Subdivision), Section 18.7 (Major Subdivisions – Minimum Design Standards), Subsection F (Alternative Street Standards), as follows:

~~F. Alternative Street Standards. The applicant may submit alternative street design standards, subject to NCDOT and Moore County Dept. of Public Safety approval, that vary in response to the proposed function of the street and the anticipated traffic volume.~~

REASON. All streets should meet minimum NCDOT requirements.

18. AMEND Chapter 18 (Subdivision), Section 18.8 (Major Subdivisions – Option 1), Subsection E (Ownership of Open Space), as follows:

~~E. Ownership of Open Space. No final plat shall be approved until all required legal instruments have been reviewed and approved by the County Attorney as to legal form and effect.~~ Land dedicated for open space shall be designated on both the preliminary and final plat(s) of the subdivision. All open space shall be permanently restricted from further subdivision. Open space shall be owned and/or administered by 1 or more of the following methods:

1. Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
2. Ownership by a home owners association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. ~~Such conveyances shall be approved by the County Attorney, subject to the North Carolina Unit Ownership Act / North Carolina Condominium Act, and shall be filed with the Moore County Department of Planning.~~ The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the

HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.

REASON. The Administrator can review the HOA agreement for open space compliance.

19. AMEND Chapter 18 (Subdivisions), Section 18.10 (Major Subdivision – Construction Process), Subsection C (Soil Evaluation Report), as follows:

C. Soil Evaluation Report. ~~Prior to final plat approval, the~~ The subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity.

REASON. Clarifies that the soil report shall be submitted before final plat approval. Move to Section G to be in the correct order.

20. AMEND Chapter 18 (Subdivisions), Section 18.15 (Subdivision Plat Requirements), as follows:

18.15 Subdivision Plat Requirements

Information Required	Exempt Plat	Family Plat	Minor Plat	Major Prelim. Plat	Major Final Plat
Submit copy of HOA agreement to be approved by County Attorney the Administrator					x

REASON.. The Administrator can review the HOA agreement for open space and maintenance compliance.

21. AMEND Chapter 18 (Subdivisions), Section 18.8 (D) (Minimum Open Space Required), as follows:

D. **Minimum Open Space Required.** At least 30% of the total land area shall be set aside as protected open space. At least ~~60%~~ **40%** of the required open space shall be contiguous. The right-of-way area is not included in the calculation of minimum open space required. In addition to woodlands, agriculture, historical site, or natural areas, open space may include vegetative perimeter buffers (minimum 25 feet wide of Type 3 Screening). ~~Public and/or private passive or active recreation areas may also be included within open space area contingent that the impervious surface area is limited to 10% of the total opens space.~~ **Contained within the open space, at least five percent of the total net area of any proposed conservation subdivision shall provide for active park space, passive park space, and/or trails.** Areas in access shall be located outside of the protected open space.

Wetlands, storm water management facilities that are designed to look like natural areas, and waterbodies such as ponds may also be used provided the total area of water surface does not comprise more than 50% of the required open space.

REASON. Reduces the amount of contiguous open space required to accommodate that a portion of the open space can be used for recreation purposes.

22. AMEND Chapter 19 (Definitions), Section 19.1 (Word Interpretation), as follows:

19.1 Word Interpretation

Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular. The word “shall” is mandatory and not discretionary. The word “may” is permissive. The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual. The word “lot” shall include the words “piece”, “parcel”, “tract”, and “plot.” ~~The word “building” includes all structures of every kind, except fences and walls, regardless of similarity to buildings.~~ The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

REASON. Removes redundant language (similar language is including in Section 19.2)

23. ADD Chapter 19 (Definitions), Section 19.2 (Definitions), as follows:

Building. ~~Anything having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or property.~~ **Any structure used or intended for supporting or sheltering any use or occupancy.** “Building” includes the term structure (see definition) of every kind, including but not limited to decks, gazebos, retaining walls (greater than 4 feet), swimming pools (see Specific Use Standards), carports, pergolas, docks, piers, bulkheads, and waterway structures (see Specific Use Standards) etc., with the exception of except fences and walls, regardless of similarity to buildings. **The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.**

Building Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV, communications, telecommunication, and water towers are not to be included in the calculations of building height.

Structure. ~~See “Building.”~~ **Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land and anything defined as an “accessory building” or “accessory structure” in the Building Code.**

REASON. “Building” changed to have a similar definition to the Building Code. Definition of “building height” was inadvertently removed during the 2016 UDO update.

24. AMEND Chapter 19 (Definitions), Definition (Setback), as follows:

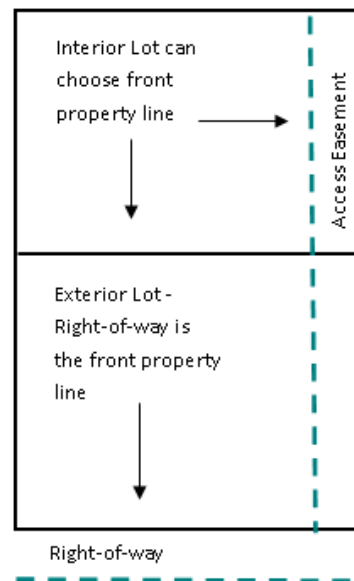
Setback. The required minimum distance between every building, measured from the furthest point of the house (such as eaves, deck) from all property lines and/or right-of-way lines of the lot on which it is located. Setbacks are not required from easement lines. (This does not include utility easements.) **Fire escapes, awnings, stairways, steps, ramps, stoops, sills, ornamental features, balconies, decks, carports, whether enclosed or unenclosed, and similar items shall be considered as a part of the main building and shall not project into the required yard. Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.**

REASON. Remove language to correspond with Fire Code standards which requires that the entire building shall not project into the required distance requirements.

25. AMEND Chapter 19 (Definitions), Definition (Lot Line, Front), as follows:

Lot Line, Front. That part of the lot adjacent to, or in close vicinity to, the street right-of-way line or its land access easement. **When an exterior lot front a street right-of-way and fronts its access easement the right-of-way is the front property line.** When an interior lot, ~~fronts~~ is in close vicinity to a street **right-of-way** and fronts an ~~its~~ access easement the property owner shall have the option to choose the front lot line.

REASON. Accommodates odd shaped interior lots that have double frontage.



CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board’s review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

ATTACHMENTS

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval



MOORE COUNTY

Proposed Text Amendments to the Unified Development Ordinance –
Chapter 4, Sections 4.1 & 4.2; Chapter 5, Section 5.1; Chapter 6, Section 6.1; Chapter 7,
Sections 7.11 & 7.16; Chapter 8, Sections 8.4, 8.12, 8.68, 8.70, & 8.107; Chapter 11,
Section 11.1; Chapter 13, Section 13.1; Chapter 18, Sections 18.5, 18.6, 18.7, 18.8,
18.10, & 18.15; Chapter 19, Sections 19.1 & 19.2
September 11, 2019

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed text amendments (listed above) for the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

John K. McNeill, Chairman

James Dougherty, Executive Director

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

GOAL 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.

GOAL 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to providing the public with a transparent permitting process.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date